

1 HOUSE JOINT RESOLUTION NO. 30

2 INTRODUCED BY C. KNUDSEN, A. REGIER, M. YAKAWICH, J. BERGSTROM

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF CRIMINAL FINES, FEES, AND FORFEITURES IN THE
6 CRIMINAL JUSTICE SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE
7 REPORTED TO THE 69TH LEGISLATURE.
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9 WHEREAS, in addition to requiring restitution for victims of certain criminal acts, Montana law imposes
10 certain fines and fees and allows for the forfeiture of certain possessions as part of a sentence; and

11 WHEREAS, the 2009 Legislature found that an individual convicted of violating state law should bear
12 some cost of the proceedings; and

13 WHEREAS, the state and counties divide any revenue generated from fines and costs; and

14 WHEREAS, many criminal defendants are assigned counsel from the Office of State Public Defender
15 because they lack the financial resources to acquire private counsel; and

16 WHEREAS, the Legislature has not studied the financial obligations imposed as part of a criminal
17 proceeding in more than a decade.
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19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
20 THE STATE OF MONTANA:

21 That the Legislative Council be requested to designate an appropriate interim committee or statutory
22 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the current use of
23 criminal fines, fees, and forfeitures at the state and local level, including:

24 (1) reviewing the statutory authority for criminal fines, fees, and forfeitures as well as the
25 distribution of the proceeds to state and local governments;

26 (2) discussing how the state's criminal justice policy is served by imposing or refraining from the
27 imposition of these financial obligations;

28 (3) considering any national best practices or recommendations related to criminal justice financial

1 obligations and how other states approach this aspect of the criminal justice system;

2 (4) studying the financial impact of financial obligations imposed during the criminal justice system,
3 including on local government law enforcement agencies and courts, as well as on victims, offenders, and their
4 families; and

5 (5) understanding the amount of fines, fees, and forfeitures imposed and actually collected as
6 compared to the statutorily allowed amounts and the cost to the state and local governments to collect the
7 money.

8 BE IT FURTHER RESOLVED, that the study examine any effects of separating fines levied from the
9 direct funding of law enforcement agencies, including the effects of requiring law enforcement agencies to be
10 funded from nonfine resources and how reallocating any assigned fines or fees to a separate account could be
11 structured and spent.

12 BE IT FURTHER RESOLVED, that the committee develop any recommendations for revising the
13 number and types of financial obligations imposed as part of involvement in the criminal justice system,
14 including any state funding changes that could be implemented to reduce any reliance of local law enforcement
15 and courts on fees and the cost to the state to replace the current funding that fines, fees, and forfeitures
16 provide to the local criminal justice system.

17 BE IT FURTHER RESOLVED, that the study involve relevant stakeholders, including the state and
18 local judges and clerks of court; the Department of Corrections, the Department of Justice, local and state law
19 enforcement, victims or their families or advocates, offenders or their families or advocates, and any other
20 stakeholders determined by the committee.

21 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
22 presented to and reviewed by an appropriate committee designated by the Legislative Council.

23 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
24 requirements, be concluded prior to September 15, 2024.

25 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
26 comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

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